

reject the claims. In response to the second non-final Office Action, Applicants filed a Request for Reconsideration which included no claim amendments. Therefore, because the subject matter recited in pending claims 1-23 has been searched and examined at least twice, and Applicants' most recent response maintained the presentation of the claims prior to the second non-final Office Action, Applicants submit that no need has arisen or developed that would make a restriction requirement proper at this point in the prosecution of this case.

Applicants acknowledge that the Examiner who issued the Restriction Requirement is different from the Examiner who issued the two previous Office Actions. However, this should not be a factor in determining whether the Restriction Requirement is proper. As stated in MPEP §704, "full faith and credit should be given to the search and action of the previous Examiner unless there is a clear error in the previous action or knowledge of other prior art." In addition, Applicants note that both of the previous Office Actions and the current Restriction Requirement were issued under the supervision of the same primary examiner. This fact provides further evidence that the likelihood of a clear error being present in a previous action or knowledge of other prior art is minimal at best.

For at least these reasons, Applicants request withdrawal of the Restriction Requirement. Favorable action on the merit of all pending claims is respectfully requested.

Respectfully submitted,

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